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MASTER AND SERVANT—EMPLOYER'S LIABILITY ACT—INJURIES TO SERVANT—ACT OF SUPERINTENDENCE.—A belt between two shafts became wound around a pulley upon one of the shafts in such a manner that it became necessary to loosen it. Defendant's foreman, who had power to order the machinery stopped, simply ordered it slowed down. Plaintiff was ordered by said foreman to cut lacings of the belt. Thereupon one end swung loose and the other end began to wind up on the pulley. The loose end struck plaintiff and drew him over the shaft, causing him the injuries complained of. Plaintiff brings his action under the Employer's Liability Act, Laws 1902, p. 1748, c. 600. *Held*, that under the Act the foreman's direction to stop or failure to so direct is an act of superintendence, and defendant is liable for negligence of the foreman in not giving the proper order. *Guilmartin v. Solvay Process Co.* (1907), — N. Y. —, 82 N. E. Rep. 725.

The Appellate Division, reversing the decision of the Trial Term, held that the foreman's neglect to order the machinery stopped was an act of a fellow servant, and therefore the defendant was not liable. The court here reverses that decision, and holds that, although at common law it would be the act of a fellow servant, under the Act it is an act of superintendence. It bases its decision on the case of *McHugh v. Manhattan Railway Co.*, 179 N. Y. 378, 72 N. E. 342. This is in accord with the trend of the holdings since the passing of the Act. *Braunberg v. Solomon*, 102 App. Div. 331, 92 N. Y. S. 506; *McBride v. New York Tunnel Co.*, 101 App. Div. 448, 92 N. Y. S. 282. The Massachusetts cases under a very similar Act are along the same line. *Davis v. New York, New Haven and Hartford R. R. Co.*, 159 Mass. 532; *McPhee v. Scully*, 163 Mass. 216, 39 N. E. 1007; *Gardner v. New England Telephone and Telegraph Co.*, 170 Mass. 156. Under these Liability Acts the employer is held liable in cases where the negligent act would under the common law be that of a fellow servant, and the tendency of the courts, as shown by the cases, seems to be to interpret the Act favorably to the servant.

MASTER AND SERVANT—INJURY TO SERVANT—SAFE PLACE TO WORK—VICE PRINCIPAL.—The defendant company had been engaged as a contractor in the erection of the Varied Industries Building at the World's Fair in the city of St. Louis, and for several months plaintiff had been working for the defendant as a carpenter. The foreman in charge wished to secure an unfinished wall against the danger from the wind, and requested the plaintiff to remain on the wall and fasten the upper end of a brace against it. The foreman selected this brace and directed two carpenters who were working in the same gang with the plaintiff to nail two cleats on the brace for plaintiff to stand on while removing the rope therefrom. The carpenters were negligent in the construction of the cleats, and the plaintiff fell to the ground, so injuring his leg as to necessitate amputation. *Held*, that the workmen acting under the supervision of the foreman represented the employer in his relation of master, and were not fellow servants of the plaintiff. *Combs v. Rountree Const. Co.* (1907), — Mo. —, 104 S. W. Rep. 77.

In the earlier decisions in Missouri the superior servant doctrine was